

Department of Water Resources. That policy study examined five separate alternatives relating to the impact of ground water pumping on surface water. Alternative 1 discusses the continuation of current policy; in other words, enacting no specific legislative policy. Quoting directly from a portion of the discussion of that alternative, it says, "current policies could tend to result in a more thorough use of our ground water resources in comparison to some other alternatives." A major potential impact of maintaining base flows for surface water users is that it could result in some water flowing downstream unutilized. I think it's only fair to reassure ground water users who will be disproportionately impacted by this law that the purpose is not to reduce their beneficial usage of water to the extent that additional water is available for surface water appropriations. Again, this amendment is a "freeze in place" amendment. Its intent is to recognize that existing ground water development came about legally under laws and assurances in state law that protects and encourages ground water development. While ground water may be impacting surface water, it does not necessarily mean that we should presume that ground water use should necessarily be considered inferior to surface water use and it should give way in a hydrologically connected system. Indeed, the maximum beneficial use of the state's water may favor ground water use. I would urge the body to adopt this amendment which makes a common sense clarification of what is or, in this case, is not intended by the application of conjunctive use management. With that, Senator Withem, that's the basis of the amendment. It's one that will allow ground water users a little more comfort with LB 108. It's one that I think is a...it's a simple amendment. I think it does provide some of the needs that we have, and I would urge your acceptance of this amendment. Thank you.

SPEAKER WITHEM: Thank you, Senator Dierks. Senator Beutler.

SENATOR BEUTLER: Senator Withem, members of the Legislature, this amendment has the potential, in specific situations, to defeat the whole purpose of the bill. It is not just a technical amendment. The basic mechanism of the bill is to rely upon local control for most everything that's done in the bill, except for one narrowly drawn situation. And the reason, again, that we do that is because there are such a variety of situations out there. It's different in the Republican Valley, it's different in the Platte, it's different in the Niobrara,